

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JESSICA BALTHROP,

Plaintiff,

v.

COMMISSIONER, SSA,

Defendant.

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CIVIL ACTION NO. 4:15CV802
JUDGE MAZZANT/JUDGE JOHNSON

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the Report of the United States Magistrate Judge in this action, the matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On January 6, 2017, the Report of the Magistrate Judge (Dkt. #13) was entered containing proposed findings of fact and recommendations that the decision of the Administrative Law Judge (“ALJ”) be remanded.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s Report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that the decision of the Commissioner is **REMANDED**. The Commissioner’s decision regarding the weighing of medical evidence is **AFFIRMED**. The ALJ improperly rejected Plaintiff Jessica Balthrop’s treating physicians’ opinions without analyzing their opinions under the factors under 20 C.F.R. § 404.1527(d). Thus, the Court remands the case to the ALJ to reconsider the treating physicians’ opinions in accordance with the Report (Dkt.

#13), reconsider Plaintiff's residual functional capacity, if necessary, and render a decision accordingly.

IT IS SO ORDERED.

SIGNED this 30th day of January, 2017.

A handwritten signature in black ink, reading "Amos Mazzant", is written over a horizontal line.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE